



Dated: January 15, 2009 13:46:17

The following is ORDERED:

Niles Jackson  
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
IN RE: WESTERN DISTRICT OF OKLAHOMA

David Byron Pierce )  
Hollie Dean Pierce )  
DEBTORS. )  
CASE NO.: 07-11839 NLJ  
)  
CHAPTER 13

AGREED ORDER MODIFYING CHAPTER 13 PLAN AND  
RESOLVING TRUSTEE'S MOTION TO DISMISS

This matter comes on upon Debtor's Motion to Modify Chapter 13 Plan filed herein on October 16, 2008 and the Trustee's Motion to Dismiss filed herein on March 19, 2008. Service of the Motion to Modify was had on October 17, 2008, by mailing, as is certified in the Certificate of Mailing filed with the Court. No objections to said Motion have been filed within the ordinary twenty (20) day period, plus three (3) days for service by mail, the time allowed by Bankruptcy Rule 9006(f) and 2002(a)(6). Therefore, under Rule 9013(e), Local Rules for the United States Bankruptcy Court for the Western District of Oklahoma, said Motion is deemed confessed.

The Motion to Modify Chapter 13 Plan seeks to allow the Debtors' to cure the arrears by increasing their monthly plan payment. The motion also seeks attorney fees in the amount of \$350.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above referenced Chapter 13 Plan shall be modified as follows:

1. The Debtors' shall be treated as current through September 2008;

2. The Debtors' will increase their monthly plan payment from \$2,895.00 per month to \$3,632.00 per month, beginning with the October 2008 payment and continuing for the remainder of the plan term to cure the arrears; and
3. Allow attorney fees of \$350.00 to be paid to Deborah Brooks and Associates, P.C., at the rate of \$75.00 per month, for time involved in the presentation of this motion.

The above modifications would not adversely affect the dividend paid to unsecured creditors. Further, these modifications would not extend the Plan term beyond sixty (60) months.

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APPROVED FOR ENTRY.

DEBORAH BROOKS & ASSOCIATES, P.C.

CHAPTER 13 TRUSTEE

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